

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

AMILCAR GABRIEL,

Plaintiff,

v.

JIM HAMLIN, et al.,

Defendants.

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No. 02-CV-187-WDS

MEMORANDUM & ORDER

STIEHL, District Judge:

This matter is before the Court on plaintiff's motion for ruling on the objections which remain from plaintiff's deposition (Doc. 129). The parties have now advised the Court that some of the objections made during the deposition remain unresolved, and that they seek to have the Court rule on those objections. Accordingly, the Court has reviewed the objections made during the plaintiff's deposition that remain, and rules as follows:

1. P. 64, l. 19; p. 65, ll. 16 & 21; p. 66, ll. The questions at issue involve the plaintiff's residence. The objection was to relevance. The Court has previously ruled that the fact that the defendant is a deported illegal alien is not relevant to the claims, and will not be presented to the jury (Doc. 70). In that Order, the Court said, in pertinent part, "The Court will advise the jury that the plaintiff has been released from custody . . . is no longer in this country and will not be present at trial." The fact that he was an illegal alien and was subject to deportation is irrelevant. Therefore, the Court will not allow this line of questioning, **SUSTAINS** the plaintiff's objection, and orders **STRICKEN** p. 64, l. 6 through

p. 66, l. 19.

2. P. 74 ll. 19, 22; p. 75. 13. Plaintiff has objected to defendants' questions concerning a blister plaintiff had on his right knee in 1999 as irrelevant. The injury complained of in this complaint occurred in 2000. The defendants have not shown how a blister plaintiff had in 1999 and the treatment of that blister is related or relevant to the incidents that underlie this complaint and therefore, the plaintiff's objection is **SUSTAINED**. The Court **ORDERS STRICKEN** the testimony from p. 74, l. 16 through p. 75, l. 10.
3. P. 97, l. 25; p. 98, l. 5. Plaintiff has objected to the defendants' questions with respect to whether plaintiff informed Dr. Ruiz of a previous burn when plaintiff was examined in December of 2000 on the grounds that the questions are irrelevant. Upon review of the record, the Court **OVERRULES** the objection. The plaintiff is claiming that he did not receive adequate treatment for his injuries. Prior medical history of the plaintiff and what the plaintiff told Dr. Ruiz, a defendant, may be relevant to the defense of that claim.

IT IS SO ORDERED.

DATE: October 10, 2008

s/ WILLIAM D. STIEHL
District Judge